

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-304-T - ORDER NO. 2003-211
APRIL 3, 2003


IN RE: Application of Perry L. Farrow, III DBA)	ORDER WAIVING
Palmetto Moving & Storage, 1213)	REGULATIONS AND
Northampton Road, Anderson, SC 29621)	APPROVING
(District 4), for a Class E Certificate of Public)	ALTERNATE SAFETY
Convenience and Necessity.)	PROCEDURE

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Perry L. Farrow, III DBA Palmetto Moving & Storage (Farrow) for a waiver of 26 S.C. Code Ann. Regs. 103-133(1)(a); (4)(a); and (5) and 103-150(1)(4); (2)(a); and (3)(a) (Supp. 2002) regarding the safety rating required by those regulations. Farrow was granted a Class E Certificate of Public Convenience and Necessity to transport household goods pursuant to our Order No. 2003-50, dated February 3, 2003. The difficulty that now comes before this Commission is an inability to comply with the above-stated regulations as required by that Order. Farrow has been unable to obtain a satisfactory or an acceptable safety rating as described in those regulations, due to the fact that he has not performed household goods moves in compliance with Order No. 2003-50. Since he has not performed household goods moves, he may not obtain a satisfactory or acceptable safety rating. Further, since he has not obtained the proper safety rating, he may not perform household goods moves under the Commission's Order.

This is the bind that we described in our Order No. 2003-209. In that Order, we approved a new safety procedure for applicants. In part, this procedure consisted of the applicant submitting a signed and notarized safety certification form, which ensures that the applicant is familiar with the safety regulations enforced by the State Transport Police (STP), and that he has taken steps to put those regulations into effect for his business. 26 S.C. Code Ann. Regs. 103-101(2)(Supp. 2002) states that the Commission's Regulations are subject to such exceptions as may be considered just and reasonable as ordered by the Commission in individual cases when strict compliance with any rule or rules produces unusual difficulty and is not in the public interest. The unusual difficulty with compliance with the Regulations is apparent in the present case. Farrow is definitely in a bind here. He cannot move household goods without a safety rating, and he cannot obtain a safety rating without moving household goods. He cannot begin operation of his business. This is not in the public interest. Accordingly, we waive the provisions of 26 S.C. Code Ann. Regs. 103-133(1)(a); (4)(a); (5) and 103-150(1)(4); (2)(a);(3)(a)(Supp. 2002) in this case. However, we do hold that before commencing business, Farrow shall submit a signed and notarized safety certification form of the type that we presently accept for household goods carriers headquartered outside the State of South Carolina. If Farrow executes said form and is in compliance with all other Commission rules and regulations, then the Class E Certificate of Public Convenience and Necessity granted by Order No. 2003-50 may be issued. We believe that this procedure will ensure the safety of the public in this case, while allowing Farrow to begin doing business as a household goods mover within the State of South Carolina.


This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn
Chairman

ATTEST:



Gary E. Walsh
Executive Director

(SEAL)